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THE
Statutes at Large;
BEING
A COLLECTION
OF ALL THE
LAWS OF VIRGINIA,
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

VOLUME VII.

By WILLIAM WALLER HENING.



"The *Laws* of a country are necessarily connected with every thing be-
longing to the people of it; so that a thorough knowledge of *them*, and
of their progress would inform us of every thing that was most use-
ful to be known about them; and one of the greatest imperfections
of historians in general, is owing to their ignorance of law."

PRIESTLEY'S LECT. ON HIST. VOL. I. pa. 149

RICHMOND.
PRINTED FOR THE EDITOR.
AT THE FRANKLIN PRESS.—MARKET BRIDGE.

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1820.

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paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received and accounted for, to the General Assembly, as aforesaid: And that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum, for his trouble and service therein.

IV. *Provided always*, That the said treasurer before he enters upon his office, shall give such sufficient security as shall be approved of by the governor, or commander in chief of this colony, in the sum of fifty thousand pounds, for the due answering and paying all the money, by him from time to time to be received, as aforesaid. To give bond and security.

V. And to the end a treasurer may not be wanting in case of the death, resignation, or disability of the treasurer hereby appointed; *Be it further enacted*, Where the treasurer dies. That in either of these cases it shall and may be lawful for the governor, or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries, and profits, aforesaid, until the end of the next session of Assembly, which treasurer, so appointed, shall, before he enters upon his office, give the like security, as is herein before directed.

CHAP. IV.

An Act for disarming Papists, and reputed Papists, refusing to take the oaths to the government.

I. WHEREAS it is dangerous at this time to permit Papists to be armed, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That it shall, and may be lawful, Preamble.

Where Papists refuse to take the oaths, when tendered.

for any two or more justices of the peace, who shall know, or suspect any person to be a Papist, or shall be informed that any person is, or is suspected to be a Papist, to tender, and they are hereby authorised and required to tender to such person so known, or suspected to be a Papist, the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and if such person, so required, shall refuse to take the said oaths, and subscribe the test, or shall refuse, or forbear to appear before the said justices for the taking the said oaths, and subscribing the said test, upon notice to him given, or left at his usual place of abode, by any person authorised in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Duty of justices.

II. *And be it further enacted*, That the said justices of the peace shall certify the name, surname, and usual place of abode of every person, who being required, shall refuse, or neglect to take the said oaths, and subscribe the said test, or to appear before them for the taking the said oaths, and subscribing the said test, as also of every person, who shall take the said oaths, and subscribe the said test at the next court to be holden for the county for which they shall be justices of the peace, to be there recorded by the clerk of the said court, and kept among the records of the said court.

No Papists to keep arms, &c.

III. *And for the better securing the lives and properties of his majesty's faithful subjects, Be it further enacted and declared*, That no Papist, or reputed Papist so refusing, or making default as aforesaid, shall, or may have, or keep in his house or elsewhere, or in the possession of any other person to his use, or at his disposition, any arms, weapons, gunpowder or ammunition, (other than such necessary weapons as shall be allowed to him, by order of the justices of the peace at their court, for the defence of his house or person) and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may authorise and empower any person or persons in the day-time, with the assistance of the constables where the search shall be (who is hereby required to be aiding and assisting herein) to search for all arms, weapons, gunpowder or ammunition, which shall be

in the house, custody, or possession of any such Papist, or reputed Papist, and seize the same for the use of his majesty and his successors; which said justices of the peace shall from time to time, at the next court to be held for the county, where such seizure shall be made, deliver the said arms, weapons, gunpowder and ammunition, in open court, for the use aforesaid.

IV. *And be it further enacted*, That every Papist, or reputed Papist, who shall not, within the space of ten days after such refusal, or making default as aforesaid, discover and deliver, or cause to be delivered to some of his majesty's justices of the peace, all arms, weapons, gunpowder or ammunition, which he shall have in his house or elsewhere, or which shall be in the possession of any person to his use, or at his disposition, or shall hinder or disturb any person or persons, authorised by warrant under the hands and seals of any two justices of the peace to search for, and seize the same; that every such person so offending contrary to the act of Assembly in this behalf made, shall be committed to the goal of the county where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain without bail or mainprize for the space of three months, and shall also forfeit and lose the said arms, and pay treble the value of them to the use of his majesty and his successors, to be appraised by the justices of the peace at the next court to be held for the said county. Penalties on them.

V. *And be it further enacted*, That every person who shall conceal, or be privy, or aiding or assisting to the concealing; or who knowing thereof, shall not discover, or declare to some of his majesty's justices of the peace, the arms, weapons, gunpowder or ammunition of any person so refusing, or making default as aforesaid, or shall hinder or disturb any person or persons authorised as aforesaid in searching for, taking and seizing the same, shall be committed to the goal of the county where he shall commit such offence, by warrant under the hands and seals of any two justices of the peace, there to remain, without bail or mainprize; for the space of three months, and shall also forfeit and pay treble the value of the said arms to his majesty and his successors. All persons to discover papists keeping arms, &c.

VI. *And be it further enacted*, That if any person or persons shall discover any concealed arms, weapons, Their reward for

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ammunition or gunpowder belonging to any refusing or making default, as aforesaid, so as the same may be seized as aforesaid, for the use of his majesty and his successors; the justices of the peace upon delivery of the same at the county court, as aforesaid, shall have power, and they are hereby required, as a reward for such a discovery, by order of court, to allow him or them a sum of money amounting to the value of the arms, weapons, ammunition, or gunpowder, so discovered, the said sum to be assessed by the judgment of the said justices, at their said court, and to be levied by distress and sale of the goods of the person offending against this act, rendering the overplus which shall arise by such sale, above the said sum, so allowed, and above the necessary charges of taking such distress, to the owner.

Where the party desires to conform.

VII. *Provided always*, That if any person who shall have refused or made default, as aforesaid, shall desire to submit and conform, and for that purpose shall present himself before the justices of peace, at the court to be held for the county where his refusal or making default, as aforesaid, shall be certified as aforesaid, and shall there in open court take the said oaths, and subscribe the said test, he shall from thenceforth be discharged of and from all disabilities and forfeitures, which he might or should be liable to for the future, by reason of his refusal or default, as aforesaid.

No Papist to keep any horse above the value of 5*l.* to be sold.

VIII. *And be it further enacted*, That no Papist, or reputed Papist, refusing or making default, as aforesaid, at any time after the first day of July, in the year of our Lord, one thousand seven hundred and fifty-six, shall or may, have or keep, in his own possession, or in the possession of any other person to his use, or at his disposition, any horse or horses, which shall be above the value of five pounds, to be sold, and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may and shall authorize any person, or persons, with the assistance of the constable where the search shall be (who is hereby required to be aiding and assisting herein) to search for, and seize for the use of his majesty and his successors all such horses, which horses are hereby declared to be forfeited to his majesty and his successors.

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IX. *And be it further enacted*, That if any person shall conceal, or be aiding or assisting in the concealing any such horse, or horses, belonging to any Papist, or reputed Papist, so refusing or making default, as aforesaid, after the said first day of July, such person shall be committed to prison, by such warrant, as aforesaid, there to remain without bail or mainprize, by the space of three months, and shall also forfeit and pay to his majesty and his successors, treble the value of such horse or horses, which value is to be settled as aforesaid.

Penalty on persons concealing such horses.

CHAP. V.

An Act to enable certain persons to contract for the transportation of the neutral French to Great-Britain.

I. WHEREAS a large number of people called neutral French, have lately been sent into this colony, from Nova Scotia, and it is apprehended their continuance here will greatly endanger the peace and safety of the colony: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That Peyton Randolph, esquire, Richard Bland, John Chiswell, Benjamin Waller, James Power, Archibald Cary, Robert Carter Nicholas, Dudley Digges, and Bernard Moore, gentlemen, or any five of them, be, and they are hereby impowered and required to contract with any person, or persons, willing to transport the said neutral French to Great-Britain, and to agree on such prices, terms, and conditions, as they, or any five of them, shall judge reasonable for that purpose.

Neutral French to be transported to Great-Britain.

II. *And be it further enacted, by the authority aforesaid*, That the treasurer of this colony be, and he is hereby impowered and required, by warrant from the governor or commander in chief, to pay and discharge all such sums of money, as the said Peyton Randolph, Richard Bland, John Chiswell, Benjamin Waller,